

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

### **I     Status of the Claims**

Claim 6 has been added.

Claim 4 has been amended.

Claims 1-6 are pending.

The amendment to claim 4 and new claim 6 do not add new matter.

### **II    Rejections Under 35 U.S.C. § 112**

Claim 4 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, claim 4 has been amended to correct the spelling mistake noted by the Examiner.

### **III   Rejections Under 35 U.S.C. § 102**

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,392,338 to Fox. The Examiner states that Fox discloses all of the claimed features of the present invention. Applicant respectfully traverses the present rejection.

Fox does not disclose every feature of the claimed invention. Claim 1 recites the step of "placing said plurality of folded, flat, unitary blanks of foldable sheet material in at least one stack." Fox's blanks are not folded prior to being stacked. In reference to the process illustrated in Figure 5 of Fox, he states that the

hinged lid blanks are held in a stack at a station A and are fed singly on to a horizontal blank conveyor 101 which is movable in steps past subsequent stations. The blanks are so-called "one-piece blanks" ...

At station B a lid reinforcing flap 102 on each blank is bent downwardly, and at station C three portions of the blank are deformed by an embossing unit to be described below. After passing stations D and E, the blank is engaged at F by a transfer conveyor 103 which completes the folding of the flap 102 and transfers the blank to a further horizontal indexable conveyor 104 formed with pockets.

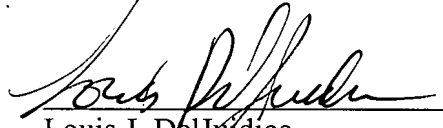
(Fox, column 4, lines 28-40). According to Figure 5 and the above text, the blanks are not folded prior to being placed in a stack at station A. The blanks are removed singly from station A where the blanks are stacked in an unfolded condition. It is only at a subsequent station, for example, station B that the individual blanks are folded. However, when they are folded they are still handled individually. They are never stacked in a folded condition. Thus, Fox does not anticipate the invention of claim 1 and Applicant respectfully requests that the above rejection be withdrawn.

### **CONCLUSION**

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved by either a Supplemental Response or a Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Louis J. DeJudice', is written over a horizontal line.

Louis J. DeJudice

Reg. No. 47,522

Agent for Applicant

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Docket No. 0998/1H043-US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Krikor KOUYOUMDJIAN

Serial No. 09/808,291

Art Unit: 3721

Confirmation No.: 4267

Filed: March 14, 2001

Examiner: Christopher R. HARMON

For: **CONTAINER HAVING A CLOSURE FLAP THAT INCLUDES AN ARCUATE FREE END**

**MARK-UP VERSION FOR RESPONSE TO OFFICE ACTION**

February 7, 2003

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

In response to the Office Action dated October 7, 2002, please amend the application as follows:

**IN THE CLAIMS:**

Please amend the claims pursuant to 37 C.F.R. § 1.121 as follows (see the accompanying "marked-up" version pursuant to § 1.121):

Please replace claim 4 with the following amended claim 4.

4. (Amended) The method of claim 3, further comprising the step of:

after the moving one of said first and second tabs step, moving said locking flap toward said closure flap so that said locking flap will be smoothly inserted into an interior of the container, without [jamming] jamming, during the moving the closure flap step.


**Please Add the Following New Claim**

6. A method of forming a container from a folded, flat, unitary blank of foldable sheet material, wherein the folded, flat, unitary blank of foldable sheet material comprises: a base wall, a first closure flap foldably attached to said base wall along a first edge thereof; a rear wall foldably attached to said base wall along a second edge thereof, said second edge having a first end adjacent to said first edge; a top wall foldably attached to said rear wall; a front wall foldably attached to said top wall; wherein, said closure flap comprises a side wall foldably attached to said base wall and a locking flap foldably attached to said side wall along a locking flap fold line, said locking flap having a free edge opposite to said fold line, said free edge being arcuate for at least a portion of its length, said arcuate portion being curved inwardly toward said locking flap fold line; said method comprising the steps of:

folding each of a plurality of flat, unitary blanks of foldable sheet material;

placing said plurality of folded, flat, unitary blanks of foldable sheet material in at least one stack after the folding step;  
removing one of the folded flat blanks from the at least one stack;  
moving the removed folded, flat blank from the folded, flat position to an assembled, closure flap open position.

Respectfully submitted,



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